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## A BILL FOR AN ACT

RELATING TO CONSERVATION AND RESOURCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1           SECTION 1. Chapter 183, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:  
4                               "PART     .   SANDALWOOD  
5           §183-A Duties; sandalwood. In addition to the duties  
6 listed in section 183-1.5, the department shall:  
7           (1) Support reforestation efforts throughout the State for  
8               all native sandalwood species with the objective of  
9               replenishing native sandalwood species forests to the  
10              level that those forests existed in 1777;  
11           (2) Provide incentives to local entrepreneurs to cultivate  
12               native sandalwood species in plantations for either  
13               reforestation programs or commercial operations;  
14           (3) Provide support for programs that ensure the  
15               sustainability of commercial sandalwood operations in  
16               the State;  
17           (4) Enforce penalties against persons who violate this  
18               part; and



(5) Establish rules regarding the issuance of permits for harvesting or destroying a native sandalwood species tree.

**§183-B Identification; destruction, harvesting, or exporting of sandalwood trees.** (a) The department shall identify native sandalwood tree species in the State.

(b) It shall be unlawful to destroy or harvest a tree of a native sandalwood species identified by the department pursuant to subsection (a) without a permit issued by the department.

(c) Any person who destroys or harvests a native sandalwood species tree shall replant native sandalwood species trees in an amount determined by the department, which shall monitor the replanting efforts and the success rate of the seedlings that are replanted.

(d) It shall be unlawful to export raw or unprocessed timber of any native sandalwood species outside the State except with a permit issued by the department.

(e) The department shall adopt rules, pursuant to chapter 91, to effectuate the purposes of this section.

**§183-C Permits.** (a) The department shall adopt rules, pursuant to chapter 91, regarding the issuance of a permit to destroy or harvest a tree of a native sandalwood species or to



1 export raw or unprocessed timber of any native sandalwood  
2 species outside the State. The rules shall include:

- 3 (1) The requirements to obtain a permit;
- 4 (2) The duration of a permit;
- 5 (3) The terms of a permit; and
- 6 (4) Any disqualifying factors that will prevent the  
7 approval of a permit.

8 (b) No original permit or license for the harvesting,  
9 destruction, or exportation outside of the State of any native  
10 sandalwood species not described in section 183-B(a) shall be  
11 issued by any officer or agency of the State without the prior  
12 approval and concurrence of the department. In determining  
13 whether to grant or withhold approval, the department shall be  
14 guided by the standards set forth in chapter 183C.

15 **§183-D Fees.** (a) Any person who holds a permit issued  
16 pursuant to section 183-B(b) who harvests trees of a native  
17 sandalwood species for commercial purposes shall pay to the  
18 department a fee equal to per cent of the dollar value of  
19 the sandalwood or sandalwood products harvested or sold and  
20 shall pay a processing fee of \$ .

21 (b) All fees except processing fees collected pursuant to  
22 subsection (a) shall be deposited in the treasury of the State



1 for use by the department for forestry purposes and all such  
2 sums as may be so collected and deposited are appropriated for  
3 those purposes. Processing fees collected under subsection (a)  
4 shall be deposited into the forest stewardship fund established  
5 under section 195F-4 to support forest management and  
6 restoration.

7       **§183-E Criminal penalties.** Any person who violates  
8 section 183-B, upon conviction thereof, shall be guilty of a  
9 misdemeanor and shall be fined not more than \$        or  
10 imprisoned not more than one year, or both. In addition to any  
11 other penalty imposed under this section, fines and penalties in  
12 accordance with sections 183-5 and 183-18 shall be levied for  
13 each tree illegally destroyed or harvested under section 183-B.  
14 Fines collected pursuant to this section shall be deposited into  
15 the forest stewardship fund established under section 195F-4.

16       **§183-F Definitions.** As used in this part, "native  
17 sandalwood species" or "native sandalwood tree species" means  
18 those tree species of the genus *Santalum* identified by the  
19 department as currently existing in the State."

20       SECTION 2. This Act does not affect rights and duties that  
21 matured, penalties that were incurred, and proceedings that were  
22 begun before its effective date.



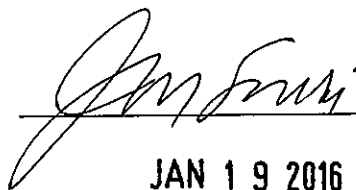
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1       SECTION 3. In codifying the new sections added by section  
2 1 of this Act, the revisor of statutes shall substitute  
3 appropriate section numbers for the letters used in designating  
4 the new sections in this Act.

5       SECTION 4. This Act shall take effect on July 1, 2016.

6

INTRODUCED BY:

  
JAN 19 2016



# H.B. NO. 1615

**Report Title:**

Sandalwood; Department of Land and Natural Resources

**Description:**

Establishes penalties for the destruction or harvesting of native sandalwood trees. Requires replanting for trees harvested. Requires a permit to export raw or unprocessed sandalwood timber. Establishes department of land and natural resources policies regarding sandalwood. Effective 7/1/16.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

